FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
Writ Petition No. 1634/2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:-**D. D. SINHA & R. V. MORE, JJ.**
DATE:- 27th November, 2006.

Heard Mr. Jibhkate, Advocate for the petitioner and Mr. Khubalkar, A.G.P. for respondent Nos. 1.

Mr. Jibhkate, learned counsel for the petitioner states that the petitioner was appointed on the post of *Peon* by respondent No. 2 after following due procedure applicable in this regard such as permission from competent Authority to issue advertisement in the newspapers inviting applications, holding of interview and after selection, the petitioner was given appointment order. It is further contended that respondent No.1-Education Officer also

granted approval to the post of *Peon* held by the petitioner vide order dated 23.08.2005 which was cancelled at later point of time vide order dated 19.09.2005 on the ground that the appointment of the petitioner was made during the period of ban as per relevant Government Resolution.

Mr. Jibhkate, learned counsel for the petitioner states that in view of *pursis* dated 05.09.2006 filed by Deputy Secretary to the State Government, in Writ Petition No. 2/2006, respondent No. 1 is reconsidering the eligibility of candidates those who were appointed in the non teaching cadre in Class-III and Class-IV category afresh as per procedure stipulated in the *Pursis.* The learned counsel for the petitioner states that the directions be given to respondent No. 1 to complete the procedure within a stipulated period.

Mr. Khubalkar, the learned A.G.P. for the

State, states that the eligibility of the petitioner for grant of approval shall be reconsidered in the light of the facts placed before this Court by learned counsel for the petitioner and as per stipulations in the *Pursis*, irrespective of the ban on the appointments, and decision shall be taken in this regard by the Education Officer, according to law.

In the backdrop of the above referred facts, particularly in view of the *Pursis* as well as statement made by Mr. Khubalkar, the learned A.G.P. for the State, the writ petition is disposed of. However, since the matter is pending for consideration for a long time, we expect the Education Officer to complete the process within a period of four weeks from today.

JUDGE **JUDGE**

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